

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 05-131
RE: JUDGE BRANDT C. DOWNEY, III

Case No.: SC 05-2228

**RESPONSE TO THE HONORABLE BRANDT C. DOWNEY, III'S
MOTION FOR EXTENSION OF TIME TO FILE
ANSWER TO COUNTS II AND III**

Special Counsel for the Florida Judicial Qualifications Commissions responds to the Honorable Brandt C. Downey, III's ("Respondent") motion for extension of time to file answer to counts II and III, and says:

1. Respondent on February 8, 2006 filed a motion for more definite statement directed towards counts II and III of the notice of formal charges.

2. Rule 1.140, Florida Rules of Civil Procedure, made applicable to this proceeding by Rule 12(a), Florida Judicial Qualifications Commissions Rules, states a "party may move for a more definite statement before interposing a responsive pleading." Accordingly, because Respondent moved for a more definite statement as to counts II and III of the notice of formal charges, Respondent is not obligated to respond to these counts until after the Hearing Panel rules on his motion for more definite statement.

3. Special Counsel requests the Hearing Panel, if it denies Respondent's motion for more definite statement, to order Respondent to answer counts II and III of the

notice of formal charges within 10 days from the date of its order denying Respondent's motion.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail to Brandt C. Downey, III, 315 Court Street, Room 421, Clearwater, Florida 33756, Thomas C. MacDonald, Esq., 1904 Holly Lane, Tampa, Florida 33629, John R. Beranek, Esq., Ausley & McMullen, P.A., Washington Square Building, 227 South Calhoun Street, Tallahassee, Florida 32302, this ____ day of March, 2006.

Attorney

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